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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/049,908	02/20/2002	Rudolf Ritter	219595US2PCT	2389
22850	7590	10/25/2006	EXAMINER	
C. IRVIN MCCLELLAND OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314			PENG, FRED H	
			ART UNIT	PAPER NUMBER
			2623	

DATE MAILED: 10/25/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/049,908

Applicant(s)

RITTER ET AL.

Examiner

fred peng

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS; WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 2/20/2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 February 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 02/20/02, 01/30/06
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

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DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

1. Claims 1, 5-6, 10-12, 16-17, 21-22 are rejected under 35 U.S.C. 102(e) as being anticipated by Ellis et al (US 2003/0149988 A1).

Regarding Claims 1 and 12, Ellis anticipates a system and corresponding method for distributing picture object comprising:

A communication network (FIG. 2e, 235), at least one media center (FIG. 2e, 24) connected to this communications network, a user interests database connected to the media center, in which user interests database user interests profiles are stored (User profile is the user interests profile. FIG.2e 15, FIG.3 55, Paragraph 82, lines 2-4), a picture object database connected to the media center (FIG.2e 15, FIG.3 53, FIG.4 53), in which picture object database the picture objects and picture object information assigned to these picture objects are stored (FIG.4 61, 63. Program 1 representing the picture object information and its related picture object content is stored in 63), and one or more communications terminals (FIG.2e 231) connectible to this communications network which each have a display unit (FIG.2e 231, personal computer includes a display unit) by means of which display unit the picture objects are made visible to a user of one of the communications terminals, wherein

User identification data assigned to the user interests profiles are stored in the user interests database (FIG.4 59. USER1, USER2 as identification data is stored in the user interests database 59), and

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The media center comprises means of carrying out the following functions:

Receiving user identification data which are transmitted in each case by one of the communications terminal via the communications network to the media center (Paragraph 157 lines 1-7),

Determining the user interests profile (user directory) which is assigned to the received user identification data (Paragraph 82 lines 1-4, paragraph 157 lines 8-11),

Determining picture objects to which picture object information is assigned having at least one correlation with information from the determined user interests profile (the requested program is retrieved, Paragraph 91 lines 1-8, paragraph 157 lines 12-16), and

Transmitting at least one of the selected picture objects over the communications network to the respective communications terminal from which the received user identification data were transmitted (Paragraph 91 lines 10-14).

Regarding Claims 5 and 16, Ellis further anticipates a system and corresponding method for the media center comprising means for inserting the selected picture objects into video objects, which video objects are transmitted from the media center over the communications network to a respective communications terminal, where they are made visible to the user of the respective communications terminal by means of the display unit (FIG. 13b, BRAND LOGO is the picture object is inserted into the video object VIDEO FOR CHANNEL 178. VIDEO FOR CHANNEL 178 is transmitted from the remote media server via the network and displayed on the PC Monitor).

Regarding Claims 6 and 17, Ellis further anticipates a system and corresponding method where it includes a video synthesizer for generating video objects from stored media objects, the media objects to which media object information is assigned being selected such that the media object information has at least one correlation with the information from the determined user interests profile (FIG. 2e 11, Paragraph 77 lines 7-15, the requested program is retrieved, Paragraph 91 lines 1-8, paragraph 157 lines 12-16).

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Regarding Claims 10 and 21, Ellis further anticipates the communications network comprising a mobile radio network and the communications terminals comprising mobile radio device (FIG.2a, 20, Paragraph 65 lines 1-9. Person skilled in the art knows any communication path suitable for distributing program guide data includes mobile radio link).

Regarding Claims 11 and 22, Ellis further anticipates the system and corresponding method comprising a picture object input module (FIG.2a 22) for receiving picture objects and assigned picture object information relating in each case to products and/or services (Paragraph 64 lines 1-3, lines 9-12) and being entered via a communications network by providers of such products and/or services (FIG.12b, PAY-PER_VIEW, SELECTABLE ADVERTISEMENT, SERVICE PROVIDER LOGO services are all entered via a communications network by providers), and for storing the received picture objects and assigned picture objects information in the picture object database (FIG.5 110, 115, 120, 125, STORAGE 15. The requested recorded program and its related program information can be stored in the program (picture object) database in storage 15).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 2-4, 7-8, 13-15 and 18-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ellis et al (US 2003/0149988 A1) in view of Scarampi (US 4,931,865).

Regarding Claims 2 and 13, Ellis does teach a system and corresponding method for distributing picture object for Claims 1 and 12 above. Ellis does not teach the communications terminal each comprising a direction-of view-determining module for determining the current

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direction of view of at least one eye of the user, and wherein the media center comprises a direction-of view-evaluation module, which, on the basis of the current direction of view that is transmitted in each case by the respective communications terminal over the communications network to the media center, and on the basis of video/picture objects transmitted from the media center over the communications network to the respective communications terminal, determines picture objects being viewed by the user of the respective communication terminal.

In an analogous art, Scarampi does teach the communications terminal (FIG.1, FIG.2 10) each comprising a direction-of view-determining module (FIG.2 32, 34, 36) for determining the current direction of view of at least one eye of the user (FIG.1 11, 18, Col 6 lines 61-65, Col 7 lines 2-6). Scarampi further teaches the media center comprising a direction-of view-evaluation module, which, on the basis of the current direction of view that is transmitted in each case by the respective communications terminal over the communications network to the media center, and on the basis of video/picture objects transmitted from the media center over the communications network to the respective communications terminal, determines picture objects being viewed by the user of the respective communication terminal (Col 5 lines 55-61).

It would have been prima facie obvious to one of ordinary skill in the art at the time the invention was made to combine the teaching of Ellis with the communications terminal comprising a direction-of view-determining module for determining the current direction of view of at least one eye of the user, and the media center comprising a direction-of view-evaluation module, which, on the basis of the current direction of view that is transmitted in each case by the respective communications terminal over the communications network to the media center, and on the basis of video/picture objects transmitted from the media center over the communications network to the respective communications terminal, determines picture objects being viewed by the user of the respective communication terminal taught by Scarampi (FIG.1, FIG.2 10, 11, 18, 32, 34, 36, Col 6 lines 61-65, Col 7 lines 2-6, Col 5 lines 55-61) as an easier and more accurate way to monitor the actual viewing of the program.

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Regarding Claims 3 and 14, Ellis does teach a system and corresponding method for distributing picture object for Claims 1 and 12 above. Ellis further teaches the media center comprising an interests-determining module which determines user interests profiles (FIG.5 115, 120) and stores them in the user interests database (FIG.2e 15, FIG.5 120, 125. The user interests profile 120 is recorded 125 to storage 15). Ellis does not teach the picture objects selected through the direction-of view-evaluation module.

In an analogous art, Scarampi does teach the picture objects selected through the direction-of view-evaluation module (FIG.1, FIG.2 10, 11,18, 32, 34, 36, Col 6 lines 61-65, Col 7 lines 2-6, Col 5 lines 55-61).

It would have been prima facie obvious to one of ordinary skill in the art at the time the invention was made to combine the teaching of Ellis with the picture objects selected through the direction-of view-evaluation module taught by Scarampi (FIG.1, FIG.2 10, 11,18, 32, 34, 36, Col 6 lines 61-65, Col 7 lines 2-6, Col 5 lines 55-61) as an easier and more accurate way to monitor the viewing of the program.

Regarding Claims 4 and 15, Ellis further teaches the picture object information includes order number (FIG.15a 370, 374), the user identification data for a respective user include an unambiguous user identification (FIG.4 59 USER1 is unambiguous from USER2), and the media center includes an order module (FIG.15a 370) which initiates an order for one of the selected picture objects (FIG.15a 374, AIR FORCE ONE is the picture objects), for which order the order number assigned to this picture object and the unambiguous user identification of the respective user are used (Paragraph 142 lines 7-10).

Regarding Claims 7 and 18, Ellis does teach a system and corresponding method for distributing picture object for Claims 1 and 12 above. Ellis does not teach the user identification data including biometric user features, and the communications terminals have sensors for capturing these biometric user features.

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In an analogous art, Scarampi does teach the user identification data including biometric user features, and the communications terminals have sensors for capturing these biometric user features (Col 5 lines 24-31).

It would have been prima facie obvious to one of ordinary skill in the art at the time the invention was made to combine the teaching of Ellis with the user identification data including biometric user features, and the communications terminals have sensors for capturing these biometric user features taught by Scarampi (Col 5 lines 24-31) as a secure way to handle the transaction, such as ordering the service.

Regarding Claims 8 and 19, Scarampi further teaches the biometric user features comprising retinal patterns (Col 6 lines 54-61), and the sensors comprising micro-electromechanical scanners for capturing these retinal patterns (Col 3 lines 62-65).

3. Claims 9, 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ellis et al (US 2003/0149988 A1) in view of applicant's admitted prior art.

Regarding Claims 9 and 20, Ellis does teach a system and corresponding method for distributing picture object for Claims 1 and 12 above. Ellis does not teach the display unit comprising a virtual retinal display unit which projects light signals corresponding to video objects and/or picture objects directly onto the retina of the user.

Based on the applicant's admitted prior art, one skilled in the art at the time will understand the display unit comprising a virtual retinal display unit which projects light signals corresponding to video objects and/or picture objects directly onto the retina of the user (See applicant's spec page 8 lines 34-35, page 9 lines 1-4).

It would have been prima facie obvious to one of ordinary skill in the art at the time the invention was made to combine the teaching of Ellis with the display unit comprising a virtual retinal display unit which projects light signals corresponding to video objects and/or picture objects directly onto the retina of the user taught by the applicant's admitted prior art (page 8 lines 34-35, page 9 lines 1-4) as it can be advantageous to adapt the virtual retinal display device,

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such that it is able to receive and process different data formats efficiently, depending upon the picture objects used.

Conclusion


Any inquiry concerning this communication or earlier communications from the examiner should be directed to fred peng whose telephone number is (571)270-1147. The examiner can normally be reached on Monday-Friday 08:00-17:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christ Grant can be reached on (571) 272-7294. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


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